



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF

SEP 21 2007

(AE-17J)

**CERTIFIED MAIL**  
**RETURN RECEIPT REQUESTED**

Mike Black  
Environmental Engineer  
The Scotts Company  
14111 Scottslawn Road  
Marysville, Ohio 43041

Re Notice of Violation  
The Scotts Company, Marysville, Ohio

Dear Mr. Black

This is to advise you that the United States Environmental Protection Agency (U S EPA) has determined that The Scotts Company (Scotts) has violated the Clean Air Act (the Act) and associated federal pollution control requirements at its facility located at 14111 Scottslawn Road in Marysville, Ohio. A list of the requirements violated is provided below. We are today issuing to you a Notice of Violation (NOV) for these violations.

The Act requires the development of Primary and Secondary National Ambient Air Quality Standards to protect public health and welfare. To attain and maintain these standards, each State is required to develop a federally enforceable implementation plan. The Marysville facility's air pollution control permit, issued under the federally enforceable Ohio State Implementation Plan, prohibits particulate matter emissions of greater than 0.2 pounds per hour from the Polymer Encapsulation System and 0.5 pounds per hour from the Pesticide Blending and Packaging System. The purpose of such limits is to help protect the public from unhealthy exposures to particulate matter. Particulate matter, in particular fine particulate matter, contributes to respiratory problems, lung damage and premature deaths.

U S EPA finds that Scotts has violated the above-listed federally enforceable permit conditions. These violations constitute violations of the Act. Section 113 of the Act gives us several enforcement options to resolve these violations, including: issuing an administrative compliance order, issuing an administrative penalty order, bringing a judicial civil action, and bringing a judicial criminal action.


Section 113 of the Act provides you with the opportunity to request a conference with us about the violations identified in attached NOV. This conference will provide you a chance to present

information on the identified violations, any efforts you have taken to comply, and the steps you will take to prevent future violations. Please plan for your facility's technical and management personnel to take part in these discussions. You may have an attorney represent and accompany you at this conference.

U.S. EPA contact in this matter is Constantinos Loukeris. You may call him at (312) 353-6198 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely yours,



 Stephen Rothblatt, Director  
Air and Radiation Division

Enclosure

cc: Isaac Robinson, Supervisor  
Ohio Department of Air Pollution Control

1. Ohio Admin. Code 3745-31-05, "Permits to Install New Source of Pollution – Criteria for Decision by the Director," was incorporated into the federally enforceable Ohio SIP at 68 *Fed. Reg.* 2909.
2. Ohio Admin. Code 3745-31-17, "Permits to Install New Source of Pollution – Attainment Provisions," was incorporated into the federally enforceable Ohio SIP at 68 *Fed. Reg.* 2909.
3. The Ohio Environmental Protection Agency (OEPA) issued Scotts an air pollution control permit to construct and operate the Polymer Encapsulation System (emission point P014) and

the Pesticide Blending and Packaging (emission point P019) per the Title V permit, under Ohio Admin Code 3745-31.

- 4 Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and 40 C.F.R. § 70.7(b) provide that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to Title V may operate except in compliance with a Title V permit
- 5 Section 113(a)(3) of the Act, 42 U.S.C. § 7413(a)(3), authorizes the Administrator to initiate an enforcement action whenever the Administrator finds that any person has violated or is in violation of a requirement or prohibition of Title V of the Act, or any rule promulgated, issued or approved under Title V of the Act
- 6 U.S. EPA granted full approval to the Ohio Title V operating permit program on August 15, 1995. The program became effective on October 1, 1995.

#### Factual Background

- 7 Scotts owns and operates an emission source located at 14111 Scottslawn Road, Marysville, Ohio. The Marysville facility includes a Polymer Encapsulation System and a Pesticide Blending and Packaging System
- 8 OEPA issued a Title V permit to Scotts on May 21, 2003.
- 9 Condition (A)(I)(1) of Part III of the Title V permit limits emissions of particulate matter from the Polymer Encapsulation System to 0.02 pounds per hour
- 10 Condition (A)(I)(1) of Part III of the Title V permit limits emissions of particulate matter from the Pesticide Blending and Packaging System to 0.05 pounds per hour.
- 11 U.S. EPA issued an Information Request under Section 114 of the Act to Scotts on April 13, 2007, requesting results of all stack tests conducted on the Polymer Encapsulation and the Pesticide Blending and Packaging systems in last three years.
- 12 Scotts provided the stack test results in its response dated April 26, 2007

#### Violations

- 13 Based on the results of the stack test provided by Scotts, the facility violated the Polymer Encapsulation particulate matter emissions limit of 0.02 pounds per hour, as specified in the Title V permit, on January 26, 2005
- 14 Based on the results of the stack test provided by Scotts, the facility violated the Pesticide Blending and Packaging particulate matter emissions limit of 0.05 pounds per hour, as specified in the Title V permit, on November 15, 2005.


15 Scott's operation in violation of its Title V permit constitutes a violation of Section 502 of the Act and of 40 C.F.R. § 70 7(b).

16. The above cited violations constitute violations of Section 113(a) of the Act, 42 U S C § 7413.

### **Environmental Impact of Violations**

Violations of the particulate matter standards increase public exposure to unhealthy particulate matter. Particulate matter, especially fine particulate, contributes to respiratory problems, lung damage and premature deaths

9/21/07  
Date

 Alan P. Tyson  
Stephen Rothblatt, Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**

I, Shanee Rucker, certify that I sent a Notice of Violation, No EPA-5-07-OH-24, by


Certified Mail, Return Receipt Requested, to

Mike Black  
Environmental Engineer  
The Scotts Company  
14111 Scottslawn Road  
Marysville, Ohio 43041

I also certify that I sent copies of the Notice of Violation by first class mail to:

Isaac Robinson, Supervisor  
Ohio Department of Air Pollution Control  
Central District Office  
3232 Alum Creek Drive  
Columbus, Ohio 43207-3417

on this 24<sup>th</sup> day of September, 2007

  
Shanee Rucker, Secretary  
AECAS, (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER. 7001 0320 0086 2186 2105